

Application Serial No: 10/552,915

Responsive to the Office Action mailed on: October 14, 2009

### **REMARKS**

This Amendment is in response to the final Office Action mailed on October 14, 2009. Claims 1 and 4 are amended. Claim 1 is amended to include features of claim 3 and is further supported, for example, in the specification on page 13, lines 22-24. Claim 4 is amended to depend from claim 1. Claim 3 is cancelled without prejudice or disclaimer. No new matter is added. Claims 1, 2 and 4-6 are pending.

#### **§103 Rejections:**

Claims 1-3 and 6 are rejected as being unpatentable over Miura (US Publication No. 2002/0183873) in view of Kikuchi (US Patent No. 6,574,422). This rejection is traversed.

Claim 1 is directed to an information recording and reproducing apparatus that recites, among other features, that the control part calculates a recording time of a video and audio signal of the analog recording medium based on a control signal detected by the control signal detecting part from the analog recording medium. Claim 1 also recites that the control part determines a bit rate during recording of the video and audio signal by the recording part so that all the video and audio signal corresponding to the calculated time is recorded in the free space of the digital recording medium obtained by the free space obtaining part. Claim 1 further recites that the reproduction control signals are recorded at an equal interval in portions where analog video and audio information is recorded.

The combination of Miura and Kikuchi does not teach or suggest these features. The rejection of previously presented claim 3 relies on column 54, lines 5-15 and Figures 42-45 of Kikuchi for teaching that the control part calculates a recording time of a video and audio signal of the analog recording medium based on a control signal detected by the control signal detecting part from the analog recording medium. The rejection also relies on column 54, lines 5-15 and Figures 42-45 of Kikuchi for teaching that the control part determines a bit rate during recording of the video and audio signal by the recording part so that all the video and audio signal corresponding to the calculated time is recorded in the free space of the digital recording medium obtained by the free space obtaining part.

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However, these portions of Kikuchi merely teach a menu for selecting a recording quality/bit rate from a plurality of different quality/bit-rate modes (see column 54, lines 5-15 and Figures 42-45 of Kikuchi). Nowhere does Kikuchi teach or suggest that a recording time is calculated based on a control signal, and a bit rate is calculated based on a recording time. That is, nowhere does Kikuchi teach or suggest a control part that calculates a recording time of a video and audio signal of the analog recording medium based on a control signal detected by the control signal detecting part from the analog recording medium, as recited in claim 1. Also, nowhere does Kikuchi teach or suggest a control part that determines a bit rate during recording of the video and audio signal by the recording part so that all the video and audio signal corresponding to the calculated time is recorded in the free space of the digital recording medium obtained by the free space obtaining part, as recited in claim 1. Miura does not overcome these deficiencies of Kikuchi.

Also, nowhere does either Miura or Kikuchi teach or suggest that the reproduction control signals are recorded at an equal interval in portions where analog video and audio information is recorded, as recited in claim 1.

For at least these reasons claim 1 is not suggested by the combination of Miura and Kikuchi and should be allowed. Claims 2 and 6 depend from claim 1 and should be allowed for at least the same reasons.

Claim 4 is rejected as being unpatentable over Miura in view of Kikuchi (US Patent No. 6,574,422) and further in view of Kikuchi (US Patent No. 5,870,523). This rejection is traversed. Claim 4 depends from claim 1 and should be allowed for at least the same reasons discussed above. Applicants do not concede the correctness of this rejection.

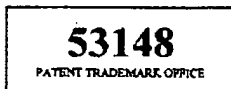
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Conclusion:

Applicants respectfully assert that the pending claims are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



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Respectfully submitted,

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